

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JENERRAL REED AMBROSE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06-CV-929-MHT
)	
RUSSELL THOMAS, et al.,)	
)	
Defendants)	

ORDER

A review of the amended complaint filed in this case on December 7, 2006 reveals that the plaintiff lists “Brian Doe, Jailer” and “Kelly Doe, Jailer” as defendants. The Federal Rules of Civil Procedure do not provide for fictitious party practice as it is incompatible with federal procedure. *See* Rule 10(a) (“[i]n the complaint, the title of the action shall include the names of all the parties ...”); *New v. Sports and Recreation, Inc.*, 114 F.3d 1092, 1094 at n.1 (11th Cir. 1997) (fictitious party practice not permitted in federal court and plaintiff’s failure to name parties required that court strike parties.); *Watson v. Unipress*, 733 F.2d 1386, 1388 (10th Cir. 1984)(plaintiff did not amend the complaint with identities of unknown defendants, and, therefore, no one directly involved in incident was named as defendant.). Accordingly, it is ORDERED that on or before December 28, 2006 the plaintiff shall file with this court an amendment to his complaint which:

1. Informs the court of the true names of “Brian Doe, Jailer” and “Kelly Doe, Jailer” who allegedly violated his constitutional rights.
2. Specifically describes how each of these individuals violated his constitutional

rights.

The plaintiff is *cautioned* that if he fails to properly respond to this order (i) service on the fictitious parties will not be effectuated, (ii) these persons will not be considered parties to this cause of action, and (iii) this case will proceed only against those defendants properly named in the amended complaint and on whom service is perfected.

Done this 8th day of December, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE